numeric data representing the telephone number from which the message was initiated. A particular feature of the present invention is the ability to audibly play the unique melody on the basis of at least tempo and notes derived from the numeric data. A yet further feature of the present invention is that each digit of the telephone number from which the message was initiated has associated with it a melodic characteristic selected from the group consisting of tone, repetition of the melody and notes, and the claimed means is able to derive the characteristic therefrom.

The present invention, as would be expected, overcomes the shortcomings of the prior art. Specifically, the present invention recognizes and claims the ability to associate and identify the melodic sequence with the call sender, as is typically the case when one is trying to identify the sender by the telephone number from which the call was originated, such as in Caller ID.

The cited prior art does not describe, whether alone or in combination, *creating* and audibly playing *a unique melody derived from the numeric data representing the telephone number* from which the message was initiated.

For example, claims 1-10 have been rejected either under Section 102 or Section 103 in view of Watanabe (EP 0709812) and/or Morishima (U.S. Patent No. 6,075,998). Additionally, the claims have been rejected under the doctrine of double patenting. Without conceding the appropriateness of any of the foregoing rejections, Applicants respectfully traverse the rejections by way of the newly presented claims, but nevertheless provides a few comments on the deficiencies of the cited art in its lack of describing or suggesting the invention as now claimed.

Specifically, Watanabe, as best understood by Applicants, only describes the ability to set calling sounds to selected telephone numbers (not the digits themselves but to the entire 7 or 10 digit sequences) which are selected from "registered" calling sounds (col. 6, lines 20-32). This is further detailed at col. 6, lines 33-39 wherein the CPU determines if the telephone number (again, believed to be the sequence and not the individual digits) is the telephone number registered with the calling sound, and if so, generates a calling sound.

Watanabe can be best seen to allow a user to designate a calling sound to a stored telephone number. In this way, if the telephone number of the incoming caller is that which is stored in memory, a particular calling sound can be played. However, in patentable distinction thereto, Watanabe does not describe or suggest creating and audibly playing a unique melody *derived from*

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the numeric data representing the telephone number from which the message was initiated. That is, there is no derivation of notes, tone or other characteristics from the numeric data itself. Watanabe is without any description or suggestion of creating the unique melody, as claimed, if the incoming telephone number is not one that has been registered (see Fig. 5 in conjunction with col. 6, line 55 – col. 7, line 19, wherein a generic calling sound is generated if the telephone number is not registered).

For the foregoing reasons, it is respectfully submitted that the present invention is now patentable over Watanabe taken alone.

It is also respectfully submitted that Morishima does not create and audibly play a unique melody *derived from the numeric data representing the telephone number* from which the message was initiated.

For example, one of Morishima's objectives is to overcome the prior art deficiency of restricting the selection of melody patterns as being only among those melody patterns memorized in the receiver (col. 1, lines 29-33). Based thereon, it is an objective of Morishima to more desirously "suit the taste of not only the user of the radio paging receiver but also the user of the counterpart (col. 1, lines 33-35).

Morishima accomplishes this objective by "providing a communication apparatus which can carry out a call announcement for announcing reception of a call by a "melody sound freely composed by a user" (col. 1, lines 38-41) or by a user of a counterpart (col. 1, lines 42-45).

Accomplishing this goal is by, among other things, preliminarily memorizing a plurality of musical tone information data and musical note information data. Music is played by first looking for an identification symbol, such as a "]]." The inclusion of this symbol indicates that melody data is included in the message information signal (see col. 4, lines 9-12).

To make your own melody, for example, Morishima describes at col. 4, lines 19-37, that a scale map stores information of a plurality of musical tones forming a scale and preliminarily memorizes a plurality of musical tone information data composed of tone name and frequency, and a plurality of musical note information data which are composed of musical note information representing musical notes and sound generation times (time values). The CPU receives the message information and converts the message information into the musical tone. The CPU processes the

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melody data into a musical tone pattern to be stored in a musical tone pattern buffer by converting the tone name information and the musical note information into tone name frequency information and sound generation time information.   In this way, "[t]he paging receiver can memorize the melody data thus produced so as to generate the melody sound corresponding to the melody data in call announcement on *next and subsequent occasions*."

From the preceding passages, it should now be clear that Morishima describes only an ability to create a call announcement melody. In fact, unless the identification symbol is received, the message is displayed in accordance with a conventional receiver (see col. 7, lines 54-57). However, there is no description or suggestion of creating and audibly playing a unique melody *derived from the numeric data representing the telephone number*. This is clear from the fact that Morishima only provides the ability to play the melody on "next and subsequent" occasions. At best, Morishima merely describes being able to identify the sender based on a customized melody, but not the identity of the telephone from which the message is sent.

For the foregoing reasons, Applicants respectfully submit that claims 11-19 are patentable over Morishima, whether taken alone or in combination with Watanabe. Notwithstanding Applicants submission that the independent claims are allowable, Applicants wish to make one further comment regarding dependent claims 13 and 17. Because Watanabe does not describe anything further than playing a specific melody if a specific telephone number sequence is identified, Applicants further respectfully submit that the idea of individualizing the tone and other music characteristics from the digits themselves to identify the phone number from which the call was initiated is not obvious. Again, it is respectfully submitted that Watanabe completely lacks this feature, while Morishima only describes the ability of a sender to customize his/her message. Nothing in the cited art describes or suggests deriving on a note by note basis melody information as claimed.

       Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited. In the event that a Notice of Allowance cannot be issued, it is respectfully requested that the Examiner contact the Attorney of Record to address any issues that may remain.

       Early and favorable consideration is earnestly solicited.

Respectfully submitted,

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